

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

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FILE: B-214124.2

DATE: March 1, 1984

MATTER OF: Donald Harris, Inc.

DIGEST:

Apparent third low bidder is not an "interested party" under GAO Bid Protest Procedures to protest agency decision to permit correction of mistake in apparent low bid where neither the protest nor the agency report submitted in response to prior, identically-worded protest by apparent second low bidder indicated that the second low bidder was not eligible for award.

Donald Harris, Inc., protests the decision of the Veterans Administration to permit correction of the apparent low bid submitted by Lane Company, Inc., under invitation for bids No. 646-48-83 for tuckpointing at the Veterans Administration Medical Center, Pittsburgh, Pennsylvania. Harris contends that while the VA would have been justified in allowing withdrawal of the Lane bid, there was insufficient evidence of the manner in which the mistake occurred and of the bid actually intended to allow correction. We dismiss the protest.

The administrative report submitted by the VA in response to a prior, identically-worded protest by the apparent second low bidder, which we still have under consideration, reveals that Harris is the apparent third low bidder. Neither the VA nor Harris indicates that the apparent second low bidder is in any way ineligible for award. Thus, even if Lane was allowed to withdraw its bid or its bid was rejected as obviously mistaken, Harris would not be in line for award. Under these circumstances, we must view the protester as not having the direct interest that is necessary to make it an "interested party" under this Office's Bid Protest Procedures, 4 C.F.R. § 21.1(a) (1983). See Logistical Support, Inc., B-208449.2, September 14, 1983, 83-2 CPD 322; Photica Inc., B-211445, July 11, 1983, 83-2 CPD 74. Accordingly, we dismiss the

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protest and shall not request Harris to submit comments on the VA's report submitted in response to the prior, identically-worded protest by the second low bidder. See MKB Manufacturing Corp.; J.B. Electronics Corp., B-210870, April 22, 1983, 83-1 CPD 448. ✓

Harry R. Van Cleve
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Acting General Counsel